

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

# 1

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS FOR DETECTING TARGET ANALYTES AND ENZYMATIC REACTIONS, the specification of which



(check ☐ is attached hereto.  
one)

☒ was filed on March 23, 2001 as  
Application Serial No. 09/816,651  
and was amended on \_\_\_\_\_  
(if applicable)

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I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 and §119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/450,829</u>	<u>November 29, 1999</u>	<u>Granted</u>
(Application Serial No.)	(Filing Date)	(Status)
(patented, pending, abandoned)		
<u>09/786,896</u>	<u>September 10, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
(patented, pending, abandoned)		
<u>09/151,877</u>	<u>September 11, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
(patented, pending, abandoned)		

08/818,199      March 24, 1997      Granted  
(Application Serial No.)      (Filing Date)      (Status)  
(patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 38,050; Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; David C. Foster, Reg. No. 44,685; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to Robin M. Silva at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-67209-4/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name first

inventor: David R. Walt  
Inventor's signature: *David R. Walt*  
Date: 1/17/02  
Residence: Lexington, MA  
Citizenship: USA 02421  
Post Office Address: 4 Candlewick Close, Lexington, MA 02422

Full name of second

inventor: Karri Lynn Michael  
Inventor's signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Residence: Austin, TX  
Citizenship: USA  
Post Office Address: 6280 McNeill Drive #404, Austin, TX 78729

1058897

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inventor: David R. Walt  
Inventor's signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Residence: Lexington, MA  
Citizenship: USA  
Post Office Address: 4 Candlewick Close, Lexington, MA 02173

Full name of second

inventor: Karri Lynn Michael  
Inventor's signature: Karri Lynn Michael  
Date: 12-21-01  
Residence: Austin, TX  
Citizenship: USA  
Post Office Address: 6280 McNeill Drive #404, Austin, TX 78729

1058897

**ASSIGNMENT**  
(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned,

(1) David R. WALT, (2) Karri L. MICHAEL

(hereinafter termed "Inventors"), residents of

(1) Lexington (2) Austin

respectively, Counties of

(1) Middlesex, (2) Travis,

respectively, States of

(1) Massachusetts, (2) Texas,

respectively, have invented certain new and useful improvements in

METHODS FOR DETECTING TARGET ANALYTES AND ENZYMATIC REACTIONS

and have executed an application for a United States patent disclosing and identifying the invention on even date herewith; and having Serial No. 09/816,651 and filing date of March 23, 2001; and

WHEREAS, The Trustees of Tufts College a corporation of the State of Masachusetts, having a place of business at Tufts University, Medford, State of Massachusetts, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and

any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: 1/17/02

(1) David R. Walt  
David R. Walt

County of Middlesex )  
 ) ss.  
State of Massachusetts )

On this 17<sup>th</sup> day of January, in the year 2002, before me, Pamela A. Lucas,  
Notary Public of the State of Massachusetts, personally appeared (1) David R. Walt  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person  
whose name is subscribed to the within instrument, and acknowledged that he/she executed the  
same in his/her authorized capacity(ies), and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Pamela A. Lucas (Seal)

Date: \_\_\_\_\_

(2) \_\_\_\_\_  
Karri Lynn Michael

County of \_\_\_\_\_ )  
 ) ss.  
State of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2001, before me, \_\_\_\_\_,  
Notary Public of the State of \_\_\_\_\_, personally appeared (2) Karri Lynn Michael  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person  
whose name is subscribed to the within instrument, and acknowledged that he/she executed the  
same in his/her authorized capacity(ies), and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

## ASSIGNMENT

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WHEREAS, the undersigned,

(1) David R. WALT, (2) Karri L. MICHAEL

(hereinafter termed "Inventors"), residents of

(1) Lexington (2) Austin

respectively, Counties of

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respectively, have invented certain new and useful improvements in

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WHEREAS, The Trustees of Tufts College a corporation of the State of Massachusetts, having a place of business at Tufts University, Medford, State of Massachusetts, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

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Creation date: 20-07-2003  
Indexing Officer: VKIM1 - VANNAROTH KIM  
Team: OIPEBackFileIndexing  
Dossier: 09816651

Legal Date: 04-04-2002

No.	Doccode	Number of pages
1	A...	2
2	SPEC	1
3	REM	1
4	XT/	2
5	AF/D	3
6	PET.	2
7	LET.	4

Total number of pages: 15

Remarks:

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